



INTERIOR BOARD OF INDIAN APPEALS

Judy M. (Toulou) Dahl v. Bureau of Indian Affairs

10 IBIA 466 (11/17/1982)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

JUDY M. (TOULOU) DAHL

v.

BUREAU OF INDIAN AFFAIRS

: Notice of Docketing and Order
: Dismissing Appeal
:
: Docket No. IBIA 83-6-A
:
: November 17, 1982

On November 12, 1982, the Board of Indian Appeals received a letter dated October 12, 1982, from Judy M. (Toulou) Dahl (appellant) seeking to appeal to the Board from an adverse decision on her enrollment in The Colville Confederated Tribes. Appellant states that she has been denied enrollment by the Tribe, the Bureau of Indian Affairs, and the Department of the Interior. This case is docketed under the above case name and docket number.

Regulations governing appeals to the Board are found in Title 43 of the Code of Federal Regulations at sections 4.200-4.340 (43 CFR 4.200-4.340). A copy of these regulations is enclosed for non-Governmental parties.

The Board's regulations at 43 CFR 4.311 provide for a briefing schedule allowing an appellant 30 days from receipt of the notice of docketing in which to file a brief in support of the appeal. In this case, however, the Board finds that this appeal should be dismissed without briefing because under 43 CFR 4.330(b)(1), the Board is specifically precluded from hearing cases involving tribal enrollment disputes. This regulation acknowledges that the Board has not been delegated the review authority of the Secretary to consider administrative appeals involving enrollment disputes. Thus, the Board has no jurisdiction to hear this appeal.

Therefore, this case is docketed and dismissed.

//original signed

Wm. Philip Horton
Chief Administrative Judge

//original signed

Franklin D. Arness
Administrative Judge

//original signed

Jerry Muskrat
Administrative Judge